THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No:20831 of 2006

DATED:09-07-2007

BETWEEN:

Altaf Rehman.

..... PETITIONER

AND

The Deputy Superintendent of Police,
Jetcharla,
Jetcharla mandal,
Mahaboobnagar District & 2 others.

.....RESPONDENTS

ORDER:

Heard learned counsel appearing for the petitioner and the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents 1 to 3 in calling him to the police station on the ground of investigation in Cr.No.152 of 2006 on the file of the Anasagaram police station, Jetcharla mandal, Mahaboobnagar District without following due procedure prescribed under law, as illegal, and arbitrary.

3. It is stated that the petitioner is engaged in the business of scrap Iron since many years in Vijayawada city. Whileso, the 3rd respondent-Station House Officer, Anasagaram village went to Vijayawada on 25-09-2006 when the petitioner was out of station, arrested his son namely Syed Zia Ur Rehman from his working place 'M/s Modern Tractors' at Governorpet, Vijayawada and took him to the police station neither there being any case registered against him nor he being accused in any case. It is further stated that the 3rd respondent informed the wife of the petitioner that they have arrested their son but they would release him if the petitioner surrenders before the Anasagaram police station. On a fax message issued by the wife of the petitioner the same was taken up as W.P.No.20783 of 2006 wherein it was alleged that the son of

the petitioner was unlawfully taken by the 3rd respondent herein from his working place at Vijayawada.

4. A perusal of the counter affidavit in W.P.No.20783 of 2006 goes to show that the son of the petitioner was interrogated with regard to the said crime but he was never arrested and never brought to the police station of Anasagaram village. It is stated that the respondents have stated something in their counter in W.P.No.20783 of 2006 and some other thing in the counter affidavit filed by the 3rd respondent in this Writ Petition.

5. A perusal of the counter affidavit filed in this Writ Petition goes to show that the respondents denied about the specific allegation that if the petitioner surrenders they would release their son, but however I do not see any contradictory versions in both the counters. 3rd respondent has stated in the counter filed in this Writ Petition as well as in the earlier Writ Petition that the petitioner is A2 in Cr.No.152 of 2006 registered under Sections 379 and 411 IPC and he has been evading arrest. Therefore, I am of the opinion that there are no merits in any of the contentions of the petitioner that the respondents are illegally calling him to the police station for the purpose of investigation but on the other hand, it appears that the petitioner himself is evading arrest in relation to the investigation in Cr.No.152 of 2006 on the file of the 3rd respondent.

6. Having regard to the facts and circumstances I am of the opinion that the Writ Petition is devoid of merits and is liable to be

dismissed.

7. Accordingly, Writ Petition is dismissed with costs.

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V.ESWARAIAH,J

09th July, 2007.
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